

YOR920000831US1
Response dated 05/25/2007

00280683aa
Reply to office action mailed 05/23/2007

REMARKS

Claims 4, 5, 15, 16, 25 and 26 are currently pending in the application. The foregoing separate sheets marked as "Listing of Claims" shows all the claims in the application, with an indication of the current status of each.

The Examiner has rejected all claims under 35 U.S.C. §102(a) as being anticipated by "Online Server Allocation in a Server Farm via Benefit Task Systems" to Jayram et al. ("Jayram").

However, Jayram has already been considered on the record of this case. See the Examiner's comments on "Inventorship" at page 2 of the office action mailed 01/18/2006, the PTO-892 attached thereto, the applicant's response dated 03/06/2006 at page 8, and the Examiner's comments at page 2 of the office action mailed 03/28/2006. Thus, Jayram is not a prior art reference because it is by the same authors (and "inventive entity") as the present invention and was published less than one year prior to the filing date of the present invention.

It is therefore requested that this ground of rejection be withdrawn.

There being no further grounds of rejection or objection outstanding in the case, it is respectfully requested that the application be reconsidered, that claims 4, 5, 15, 16, 25 and 26 be allowed, and that the application be passed to issue.

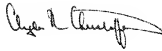
Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at 703-787-9400 (fax: 703-787-7557; email: clyde@wcc-ip.com) to discuss any other changes deemed necessary in a telephonic or personal interview.

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If an extension of time is required for this response to be considered as being timely filed, a conditional petition is hereby made for such extension of time. Please charge any deficiencies in fees and credit any overpayment of fees to Deposit Account 50-0510 (IBM-Yorktown).

Sincerely,

A handwritten signature in black ink, appearing to read "Clyde R. Christofferson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Clyde R Christofferson
Reg. No. 34,138

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